UNITED
NATIONS

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General Assembly Security Council

Distr.
GENERAL

A/45/1037
S/22812
19 July 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 153
IRAQI AGGRESSION AND THE CONTINUED OCCUPATION
OF KUWAIT IN FLAGRANT VIOLATION OF THE
CHARTER OF THE UNITED NATIONS

SECURITY COUNCIL
Forty-sixth year

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council a letter dated 19 July 1991 addressed to him by the Director-General of the International Atomic Energy Agency concerning the resolution adopted on 18 July 1991 by the Board of Governors of the Agency entitled "Iraq's non-compliance with its safeguards obligations" (see annex).

ANNEX

Letter dated 19 July 1991 from the Director-General of the International Atomic Energy Agency addressed to the Secretary-General

At its meeting on 18 July 1991 the Board of Governors of the International Atomic Energy Agency found that the Government of Iraq had not complied with its obligations under its safeguards agreement with the Agency. The resolution of the Board, adopted by 29 votes to 1, with 3 abstentions, is attached (see appendix).

Article XII.C of the Agency's Statute and Article III.2 of the Agreement Governing the Relationship Agreement between the United Nations and the International Atomic Energy Agency require the Board to report non-compliance with safeguards obligations to the Security Council and General Assembly of the United Nations. I would, therefore, appreciate it if you could bring the Board's finding to the urgent attention of the Security Council and of the General Assembly. A copy of the records of the Board's meeting will be sent to you as soon as they are available.

In accordance with Article VII of the Relationship Agreement, I am at the disposal of the Security Council should the Council so desire.

(Signed) Hans BLIX
Director-General

APPENDIX

Iraq's non-compliance with its safeguards obligations

Resolution adopted by the Board of Governors of the International Atomic Energy Agency on 18 July 1991

The Board of Governors,

(a) Stressing the importance of non-proliferation of nuclear weapons to international and regional peace and security,

(b) Expressing grave concern about the conclusion of the report of the Director-General (GOV/2530) that the Government of Iraq has failed to comply with its obligations under its safeguards agreement with the International Atomic Energy Agency (INFCIRC/172),

(c) Recalling United Nations Security Council resolution 687 (1991), which, inter alia, called upon Iraq to declare all its nuclear activities to the International Atomic Energy Agency,

(d) Noting with appreciation the efforts of the Director-General and his staff to implement the tasks assigned to the Agency by that resolution, and the diligent and effective conduct of the Agency's inspections of Iraqi nuclear activities,

(e) Expressing grave concern about the evident deception and obstruction of the International Atomic Energy Agency inspectors in their efforts to carry out the Security Council's mandate in resolution 687 (1991) in violation of that resolution and the undertakings by Iraq governing the status, privileges and immunities of the Agency and the inspection teams mandated under Security Council resolution 687 (1991),

1. Finds, on the basis of the report of the Director-General in GOV/2530, that the Government of Iraq has not complied with its obligations under its safeguards agreement with the Agency (INFCIRC/172);

2. Condemns this non-compliance by the Government of Iraq with its safeguards agreement;

3. Calls upon the Government of Iraq to remedy this non-compliance forthwith, including placing any and all additional source and special fissionable material within Iraq's territory, under its jurisdiction or its control, regardless of quantity or location, under Agency safeguards in accordance with the relevant provisions of INFCIRC/172 and in accordance with relevant technical determinations of the Agency;

4. Decides, in accordance with Article XII.C of the Statute, to report this non-compliance to all members of the Agency and to the Security Council and General Assembly of the United Nations;

5. Calls upon Iraq to cease all obstruction or interference with the International Atomic Energy Agency inspection teams in their efforts to implement Security Council resolution 687 (1991);

6. Requests the Director-General to keep the Board and the General Conference informed of progress in the implementation of this resolution so that they may consider appropriate action in accordance with Article XII.C and XIX.B of the Statute in the event of the Government of Iraq's failing to take fully corrective action;

7. Decides to inscribe an item entitled "Iraq's non-compliance with its safeguards obligations" on the agenda of the September Board of Governors and requests the Director-General to include such an item in the provisional agenda for the thirty-fifth regular session of the General Conference.